

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID E. EDWARDS,

Plaintiff,

v.

M. KUERSTEN,

Defendant.

No. 2:21-cv-00259-DAD-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel in this 42 U.S.C. § 1983 action. The case currently proceeds on plaintiff's second amended complaint, filed December 21, 2022. ECF No. 45. On September 6, 2023, the court dismissed plaintiff's claim for injunctive relief against defendant Kuersten without prejudice, giving plaintiff 30 days to file an amended complaint to attempt to remedy the claim. ECF No. 50. The court dismissed plaintiff's claim against the California Department of Corrections and Rehabilitation with prejudice. *Id.*

The time for filing an amended complaint has lapsed. Accordingly, the case will proceed on plaintiff's second amended complaint. The court has found that plaintiff has stated a potentially cognizable Eighth Amendment claim against defendant Kuersten. ECF No. 12. Plaintiff's claim for damages against defendant Kuersten for the alleged violation of the Eighth Amendment remains.

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1 It is hereby ORDERED that defendant Kuersten shall file an answer or other response to
2 the complaint within 21 days of the date of this order.

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4 Dated: October 17, 2023
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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE